

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
EXECUTIVE COMMITTEE  
MEETING MINUTES**

**May 11, 2016**

**1. CALL TO ORDER**

Vice Chair Douglas Wiele welcomed everyone and called the meeting of the Executive Committee of the California Commission on Disability Access (CCDA or Commission) to order at 1:38 p.m. at the Law Office of Guy A. Leemhuis, 3685 Main Street, Suite 240, Riverside, 92501.

The off-site meeting location(s) for teleconference were the Department of Rehabilitation, 721 Capitol Mall, Room 244, 2<sup>nd</sup> Floor, Sacramento, 95814; the City of Los Angeles Department on Disability, 201 North Figueroa Street, Suite 100, Los Angeles, 90012; and Westfield Corp., 2049 Century Park East, 41<sup>st</sup> Floor, Los Angeles, 90067.

Vice Chair Wiele delayed the commencement of the meeting by a few minutes pending the arrival of Commission Chair Guy Leemhuis.

**ROLL CALL**

Staff Member Jackson called the roll and confirmed the presence of a quorum.

Commissioners Present:

Guy Leemhuis, Chair  
Douglas Wiele, Vice Chair  
(Teleconference)  
Michael Paravagna (Teleconference)  
Laurie Cohen Yoo (Teleconference)  
Betty Wilson (Teleconference)

Commissioners Absent:

Steve Dolim

Other Commissioners Present:

Walter Hughes (Teleconference)  
Anthony Seferian (Teleconference)

Staff Present:

Angela Jemmott, Executive Director  
Addison Embrey, Program Analyst  
Brandon Estes, Program Analyst  
Fajola Jackson, Office Administrator

Also Present:

No members of the public addressed the Commission.

**2. APPROVAL OF MEETING MINUTES (February 10, 2016) – ACTION**

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**MOTION:** Commissioner Wilson moved to approve the February 10, 2016, California Commission on Disability Access Executive Committee Meeting Minutes as presented. Commissioner Paravagna seconded. Motion carried unanimously.

**3. SWEARING IN OF NEW AND RE-APPOINTED COMMISSIONER – ACTION**

Commissioner Seferian led the swearing-in of office for newly-appointed Commissioner Walter Hughes.

Chair Leemhuis welcomed Commissioner Hughes on behalf of the Commission.

**4. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA**

There were no questions or comments from the public.

**5. COMMITTEE UPDATES**

**a. Research**

Commissioner Yoo, Chair of the Research Committee, stated the Committee has not met since her last report. She updated the Commissioners on the following ongoing Committee activity:

- Finalizing and streamlining the Case Resolution Form
- Focusing on pending bills that call for additional work in research and reporting to help Commissioners understand what the Legislature requires and what additional work, resources, and prioritization the Commission will need
- Assessing the best course for tracking revenue related to the high frequency litigant filing provided for by Legislation

Executive Director Jemmott stated staff has submitted a report to the Legislative Council regarding the over 100 cases to date that staff believes to be self-identified as high frequency litigants, although the Commission has received only one high frequency litigant fee since October of 2015. The Legislative Council will research this issue.

**b. Education and Outreach**

Commissioner Wilson, Chair of the Education and Outreach (E&O) Committee, stated the E&O Committee is collaborating with the Legislative Committee and Assembly Member Olsen on the next CCDA event, which will be held in the Central Valley in mid-July of 2016. Greater Commission support is required for the Central Valley event.

**c. Legislative**

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Commissioner Paravagna, Chair of the Legislative Committee, stated the Committee has not met since his last report. He stated the Committee is collaborating with the E&O Committee on the Town Hall concept.

**d. Checklist**

Chair Leemhuis tabled the Checklist Committee report to the next Executive Committee meeting.

**Action Items:**

- No action items.

**6. BUDGET – UPDATE**

Staff Member Embrey updated Commissioners on the approximately \$50,100 encumbrance, as reported at the last full Commission meeting. He stated the encumbrances that were no longer necessary were identified via the new Fi\$Cal platform. Staff then worked with the Department of General Services (DGS), the California Financial Services (CFS), and Fi\$Cal to take the appropriate steps to release the encumbrances, which reduced the encumbrances to approximately \$1,500; the remainder of the funds went back into the CCDA budget.

Staff Member Embrey stated the \$50,100 were purchases made through the CCDA Cal Card and the general budget that were misreported as duplicates as part of the Fi\$Cal transition.

Chair Leemhuis stated the current budget does not cover Commission salaries and expenses. He asked how the budget augmentation issue will address shortfall. Executive Director Jemmott stated there are two months left in the fiscal year. The \$12,000 adjustment by the Department of Finance (DOF), which gave everyone throughout the state a salary adjustment, has not yet been placed in the CCDA budget.

Chair Leemhuis stated the CCDA still has a \$38,000 bill. He asked if the vendor was ever paid. Executive Director Jemmott stated the vendor had not been paid but is state service, not a contractor.

Chair Leemhuis stated the Commission tried video conferencing but there were many kinks that need to be worked out. He suggested that the Commission have at least two in-person meetings per year. He asked if the new budget will allow for that. Executive Director Jemmott stated staff is working on the July full Commission meeting venue.

Vice Chair Wiele stated he does not see the financial statements the same way they were described. There is enough money in the budget to pay the \$33,769.95 per month for salaries until the 3<sup>rd</sup> of June, but not for the remainder of the month. He also noted that the annual general operating expenditures as of April 2016 have already been overspent by \$12,800. He stated it is not clear that the budget will stretch even to the 3<sup>rd</sup> of June. He asked if the Commission has the authority to overspend its budget without recourse.

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Executive Director Jemmott stated the DGS may have to loan the CCDA money from their General Fund.

Vice Chair Wiele stated there are two months left in the budget year after this Year-to-Date April 2016 Month End Budget Report, meaning the budget is one month short for the \$33,769.95 per month salaries. Executive Director Jemmott agreed that this report appears that way, but the figures will be confirmed at the end of May.

Vice Chair Wiele stated the Commission is \$30,000 short on operating expenses and has no money to pay the last month's personnel salaries. He asked if the CCDA can stay in business. He also asked where the budget money comes from.

Executive Director Jemmott stated the DGS indicated they have the ability to provide a loan to the CCDA.

Vice Chair Wiele asked, if the DGS provides the CCDA with a loan for FY 2015-16 in order to cover the overrun, whether the loan will need to be repaid in 2016-17 and whether the repayment obligation needs to be added into the 2016-17 budget.

Executive Director Jemmott stated she has been positioning it as not so much the repayment in 2016-17, but to recognize that this is showing how 2017-18 has to be covered for that. The CCDA does not necessarily repay the loan in 2016-17 funding, but can do a Budget Change Proposal (BCP) to show that there is not enough in the budget to cover salaries and expenses.

Executive Director Jemmott stated that errors have occurred this year by the interpretation of the new software. Some things have been miscounted and double-counted. The Budget Department has indicated that the \$12,000 state salary adjustment that they are looking for to put back into the CCDA budget will mean there will be a \$2,500 deficit at the end of the FY. Staff is working with the Budget Department on how to move forward. The Chief of Budgets has spoken with the DOF saying the CCDA is underfunded and staff has told the DOF the same thing. The DOF stated this issue must be presented to them in 2017-18, not 2016-17.

Vice Chair Wiele stated, if the total expenses per month between personnel and operating expenses are a little over \$50,000 per month, \$100,000 is required to cover the remaining two months' operating expenses. \$21,900 remain in the budget. The CCDA is operating at a rate of approximately \$80,000 per year greater than what is budgeted already and is not holding much in the way of meetings.

Commissioner Yoo stated she shared Vice Chair Wiele's concerns. She stated the importance of fully understanding the loan process; if there are penalties, fines, interest, or repercussions; and if it impacts the ability to secure funding.

Executive Director Jemmott stated she will have answers to Commissioners' questions by the next meeting.

Chair Leemhuis asked staff to send an update to Commissioners in writing before the next meeting, since the next meeting is not until after the end of the FY. He stated the

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Legislature approved all salary requests, but the Commission is still underfunded. He suggested the strategy of calling the governor's office, because the process does not seem to be doing what it needs to do without some pressure points. This is also one of the areas where the CCDA legislative members could be helpful. He stated he will talk to staff offline. The CCDA should not go into a new year with a deficit budget.

**Action Items:**

- Staff is to have answers to Commissioner questions and to send a budget update to Commissioners in writing before the next meeting.

**7. REPORT BY EXECUTIVE DIRECTOR – UPDATE AND DISCUSSION**

**a. Outreach Efforts and Partnering Events**

Executive Director Jemmott stated she participated in the following activities that provided a good networking opportunity:

- California Women Lead Conference, held April 21<sup>st</sup> and 22<sup>nd</sup>, had a number of legislators and government officials in attendance.
- Women Endowment, a policy organization, asked Executive Director Jemmott to participate in mock trials with their fellows on behalf of the CCDA. She earned \$50, which she put into the CCDA budget.

Executive Director Jemmott stated she and Chair Leemhuis met with the director of the DGS.

**Action Items:**

- No action items.

**8. BILL TRACKING**

Executive Director Jemmott provided a summary of the following bills:

**a. AB 54 (Olsen R) Disability access: construction-related accessibility claims: demand letters**

Assembly Bill (AB) 54 is a trailer bill created to help provide the CCDA an avenue of standardization in the intake of cases and case resolution. The consultant is concerned about giving individuals transitional time to respond to the CCDA. Staff assured them that the form will be posted on the website in a timely manner.

**b. AB 2093 (Steinorth R) Disability access**

AB 2093 is in policy review and will be referred to the Judicial Committee next week.

**c. AB 2602 (Gatto D) Disabled parking placards**

Staff has been approached by the Assembly Republican Caucus Office of Policy and Budget in regards to an audit of DMV's response to preventing fraud in the disability

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placard program. They approached the CCDA because of the meetings the CCDA held on this issue and asked if the Commission would be interested in commenting at the request of the Joint Legislative Audit Committee meeting on May 25<sup>th</sup>.

**d. AB 2667 (Thurmond D) Civil rights: Unruh Civil Rights Act: waivers**

AB 2667 is moving rapidly through the process and is now in the third reading. There is no noted opposition to this bill.

**e. AB 2873 (Thurmond D) Certified access specialists**

AB 2873 is slated for suspense to be taken up at a later time. The Building Industry Association and the League of Cities are opposed to this bill.

**f. SB 269 (Roth D) Disability access**

Senate Bill 269 was signed into law yesterday.

Chair Leemhuis stated the additional criteria that the bill requires to be met need to be reviewed separately. He asked the E&O Committee to look into providing educational materials on the importance of CASp reports. He suggested a brochure or a trifold that asks what SB 269 means for businesses. He asked the Committee to put the materials out within the next six months.

**g. SB 1142 (Moorlach R) Disability access**

SB 1142 died.

**h. SB 1406 (Mendoza D) Construction-related accessibility: public entities**

The Senate Appropriations Committee and the Senate Office of Public Policy supports staff's recommended changes to this bill due to the financial impact of this bill on the CCDA.

**Action Items:**

- The E&O Committee are to provide educational materials on the importance of CASp reports in the next six months.

**9. FUTURE AGENDA ITEMS**

There were no future agenda items requested.

**10. CLOSED SESSION**

**A. Personnel Issues**

The Executive Committee adjourned into closed executive session.

**11. RE-OPEN MEETING**

The Executive Committee resumed its proceedings in open session.

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**12. ADJOURN**

Chair Leemhuis adjourned the meeting at 3:30 p.m.